

REMARKS

In the subject Office Action, claims 6-9 were rejected under 35 U.S.C. 103(a) as unpatentable over the admitted prior art as evidenced by Tenner et al. in view of Esty, Melitta, Kramer, Yuen, Hain, Plakas, Brumley, Fear, Jensen ('273), Wolf and Clement. Claims 10-16 have been added by present Amendment and do not present any new matter. Applicant respectfully traverses the rejections of claims 6-9 and respectfully submits that claims 10-16 are patentable over the cited art.

Independent claim 6 recites bags having a number of printed blocks with each day of the week printed in a separate block and each day printed in a separate color whereby the bags can be marked to establish a date by which the contents should be used. As the Examiner has noted on page 3 of the Office Action (lines 4-7), claim 6 differs from Tenner et al. in that Tenner et al. discloses only one day of the week printed on a bag. Tenner et al. also fails to disclose separate days of the week printed in different colors on a bag. Claim 6 differs significantly from the admitted prior art wherein adhesive labels are used.

The present invention offers a preportioning bag that permits quick food proportioning and marking as well as the advantage of maintaining only one type of bag in inventory. The Examiner states that Esty, Melitta, Kramer, Yuen, Hain, Plakas, Brumley, Fear, Jensen ('273), Wolf and Clement all illustrate receptacles with indicia which allows one various choices to select various information or messages to be retained or communicated. None of these references, however, illustrate a bag marked with such indicia. Furthermore, none of the references disclose the concept of food preportioning.

In addition, by disclosing bags marked with only one day of the week and adhesive labels, Tenner et al. and the admitted prior art, respectively, actually teach away from the invention recited by claim 6. As a result, Applicant respectfully submits that it would not have been obvious to combine the teachings of the prior art references in the manner suggested by the Examiner to arrive at the invention recited by claim 6.

Newly added independent claim 10 is similar to independent claim 6 but more specifically recites that the separate blocks are adapted to be marked by a marking pen. The only reference cited in the Office Action that shows the concept of marking with a marking pen is Clement. This reference deals with an adhesive label, however, which is vastly different from the preportioning bag of the present invention. Furthermore, Clement relates to a field (medicine) that is completely different from that of the present invention (food preportioning and restaurants). As a result, there is no suggestion, motivation or teaching to combine the teachings of Clement with the remaining prior art cited in the Office Action. Applicant therefore respectfully submits for this reason, in addition to the reasons presented above for claim 6, that newly added independent claim 10 is patentable over the prior art. As a result, claims 11-13, which depend from claim 10, are also patentable.

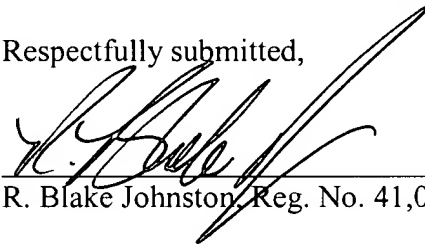
Newly added independent claim 14 recites a method for preportioning a bulk food supply using the bags of the present invention. As described above, none of the prior art discloses the preportioning bag of the present invention. As a result, none of the prior art can disclose the recited method of food preportioning that uses the bags, including the steps of providing the bags (of which only one type needs to be provided) and marking one of the blocks on the bags to establish a date by which the contents must be used.

Applicant therefore respectfully submits that independent claim 14, and claims 15 and 16 where are dependent thereon, are patentable over the prior art.

Claim 15, which is dependent on claim 14, is further distinguishable from the prior art in that it recites that the days of the week are printed on the bags in different colors to facilitate identification. Claim 16, which is also dependent on claim 14, is further distinguishable in that it recites that a marking pen is used to mark one of the blocks on the bag.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and such action is respectfully requested. If the Examiner believes that a telephone conference would advance the prosecution of the case, it is requested that the undersigned attorney be telephoned for that purpose.

Respectfully submitted,



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